

REMARKS

This is a Response to the Office Action mailed March 23, 2006, in which a three (3) month Shortened Statutory Period for Response has been set, and which expired June 23, 2006. Enclosed is our check to cover the fee for a three-month extension of time, to September 23, 2006. Twenty-five (25) claims, including four (4) independent claims, were paid for in the application. Claims 1, 16, 19, and 25 are currently amended. Claims 20 and 24 are cancelled. New claim 26 has been added. No new matter has been added to the application. No fee for additional claims is due by way of this Amendment. The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090. Upon entry of the amendments herewith, claims 1-19, 21-23, and 25-26 remain pending.

1. Rejections Under 35 U.S.C. § 102(b)

In the Office Action, at paragraph 5, claims 1 and 19-24 stand rejected under 35 U.S.C. §102(b) as allegedly anticipated by *Wichert* ("PV-Diesel Hybrid Energy Systems for Remote Area Power Generation – A Review of Current Practice and Future Developments"), hereinafter *Wichert*. For a proper rejection of a claim under 35 U.S.C. § 102, the cited reference must disclose all elements/features/steps of the claim. See, e.g., *E.I. du Pont de Nemours & Co. v. Phillips Petroleum Co.*, 849 F.2d 1430, 7 USPQ2d 1129 (Fed. Cir. 1988).

a. Claims 1 and 19

Applicant respectfully submits that independent claim 1, as amended, is allowable for at least the reason that *Wichert* does not disclose, teach, or suggest the feature of “at least one *intermediate storage device* for storing electrical energy ... wherein the intermediate storage device can be *coupled to the first power generator* and if more energy is consumed in the network than is generated by the first power generator, *initially the electrical intermediate storage device is used for delivering power* whereby intermediate storage devices of an accumulator block type or a battery storage device are used preferably to support the network

when the power required by the network can be delivered not at all or only insufficiently from renewable energy sources” as recited in claim 1 (emphasis added). Similarly, independent claim 19, as amended, is allowable for at least the reason that *Wichert* does not disclose, teach, or suggest at least the feature of a “method for operation control of an isolated electrical network [that] generates the required electrical power as long as the consumption of the electrical power in the network is less than the electrical energy generation capacity of the wind-power station and whereby, when the *required power is not met*, the power generators using renewable energy sources *initially use electrical intermediate storage devices for delivering energy*” as recited in claim 19 (emphasis added).

Wichert does not disclose, teach, or suggest at least the feature of initially using the intermediate storage devices (accumulator block type or a battery storage device) to support the network when more energy is consumed in the network than is generated by the first power generator (renewable resource). At most, *Wichert* is apparently limited to at most a system that “can be provided by combining renewable and conventional energy sources with a battery bank for storage” (page 212, lines 1-2). *Wichert* continues to describe systems based on non-renewable resources and renewable resources (page 212, lines 4-15). However, there is no disclosure in that portion of *Wichert* to initially use the *Wichert* battery in the event the renewable resource does not have sufficient capacity to supply the network.

Wichert discloses the opposite, in fact, by stating that “the renewable source and the battery bank are sized to reduce the run-time of the engine driven generator, as well as allowing the load to be shifted to ensure that the generator is substantially loaded” (page 212, lines 22-23). That is, the *Wichert* renewable resource and the battery are operated to optimally load the non-renewable resource generator. Furthermore, and as recited in the Office Action, *Wichert* discloses that “a more economical operation of the engine-driven generator can be achieved by shifting the load with the addition of batteries ... which can supplement the generator supply during periods of higher load demand or provide the base load at low load demand” (page 211, 28-30). This is not the same as initially using the intermediate storage devices (accumulator block type or a battery storage device) to support the network when more energy is consumed in the network than is generated by the first power generator (renewable resource).

Thus, *Wichert* does not anticipate claims 1 or 19. Accordingly, the rejection should be withdrawn for at least this reason alone.

Additionally, independent claim 1, as amended, is allowable for at least the reason that *Wichert* does not disclose, teach, or suggest at least the feature of “a device connected to the bus bar for detecting the power required in the network,” as recited in claim 1. *Wichert* completely fails to disclose this feature. In particular, the Examiner is directed to *Wichert* Figure 1. Thus, *Wichert* does not anticipate claim 1 and the rejection should be withdrawn for at least this reason alone.

b. Claim 20-24

Because independent claim 19 is allowable over the cited art of record, at least with respect to the rejection under 35 U.S.C. §102(b) as allegedly anticipated by *Wichert*, dependent claims 21-23 (which depend from independent claim 19) are allowable as a matter of law for at least the reason that the dependent claims 20-23 contain all features/elements of independent claim 19. See, e.g., *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). Accordingly, the rejection to these claims should be withdrawn.

Claims 20 and 24 are canceled herewith.

2. Rejections Under 35 U.S.C. § 102(b)

In the Office Action, at paragraph 6, claims 16-17 and 25 stand rejected under 35 U.S.C. §102(b) as allegedly anticipated by *De Zeeuw* ("On the Components of a Wind Turbine Autonomous Energy System"), hereinafter *De Zeeuw*.

Claims 16-17 and 25 are amended to now depend upon claim 1. Claim 1 is not rejected under *De Zeeuw*. Furthermore, *De Zeeuw* does not disclose, teach, or suggest at least the feature of initially using the intermediate storage devices (accumulator block type or a battery storage device) to support the network when more energy is consumed in the network than is generated by the first power generator (renewable resource). This feature is now inherently included with the recited features of claims 16-17 and 25. Therefore, claim 1 would not be anticipated by *De Zeeuw*.

Because claim 1 is allowable over the cited art of record, at least with respect to an absence of a rejection under 35 U.S.C. §102(b) as allegedly anticipated by *De Zeeuw*, dependent claims 16-17 and 25 (which now depend from independent claim 1) are allowable as a matter of law for at least the reason that the dependent claims 16-17 and 25 contain all features/elements of independent claim 1.

3. Rejections Under 35 U.S.C. § 103(a)

In the Office Action, at paragraph 8, claims 1-4, 7-8, and 11-14 stand rejected under 35 U.S.C. §103(a) as allegedly unpatentable over *Wichert* in view of *De Zeeuw*. It is well-established at law that, for a proper rejection of a claim under 35 U.S.C. §103 as being obvious based upon a combination of references, the cited combination of references must disclose, teach, or suggest, either implicitly or explicitly, all elements/features/steps of the claim at issue. See, *e.g.*, *In Re Dow Chemical*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988), and *In re Keller*, 208 U.S.P.Q. 871, 881 (C.C.P.A. 1981).

a. Claim 1

Applicant respectfully submits that claim 1, as amended, is allowable for at least the reason that the proposed combination of *Wichert* in view of *De Zeeuw* does not disclose, teach, or suggest the feature of “at least one *intermediate storage device* for storing electrical energy ... wherein the intermediate storage device can be *coupled to the first power generator* and if more energy is consumed in the network than is generated by the first power generator, *initially the electrical intermediate storage device is used for delivering power* whereby intermediate storage devices of an accumulator block type or a battery storage device are used preferably to support the network when the power required by the network can be delivered not at all or only insufficiently from renewable energy sources” as recited in claim 1 (emphasis added).

The Examiner is respectfully referred above to the argument for allowability of claim 1, which is not repeated for brevity, which demonstrates that *Wichert* does not disclose,

teach, or suggest using at least the above-recited features of claim 1. Thus, *Wichert* fails to disclose, teach, or suggest every element of the Applicant's claimed invention.

De Zeeuw also fails to disclose, teach, or suggest at least the feature of initially using the intermediate storage devices (accumulator block type or a battery storage device) to support the network when more energy is consumed in the network than is generated by the first power generator (renewable resource) because *De Zeeuw* completely fails to disclose any type of intermediate storage device. Thus, *De Zeeuw* fails to disclose, teach, or suggest every element of the Applicant's claimed invention.

Accordingly, the proposed combination of *Wichert* in view of *De Zeeuw* does not teach the claimed limitations of “at least one intermediate storage device for storing electrical energy ... wherein the intermediate storage device can be coupled to the first power generator and if more energy is consumed in the network than is generated by the first power generator, initially the electrical intermediate storage device is used for delivering power whereby intermediate storage devices of an accumulator block type or a battery storage device are used preferably to support the network when the power required by the network can be delivered not at all or only insufficiently from renewable energy sources” as recited in claim 1. Therefore, a *prima facie* case establishing an obviousness rejection by *Wichert* in view of *De Zeeuw* has not been made. Thus, claim 1 is not obvious under proposed combination of *Wichert* in view of *De Zeeuw*. Accordingly, the rejection should be withdrawn.

Additionally, independent claim 1 is allowable for at least the reason that *Wichert* does not disclose, teach, or suggest at least the feature of “a device connected to the bus bar for detecting the power required in the network,” as recited in claim 1. *Wichert* completely fails to disclose this feature. In particular, the Examiner is directed to *Wichert* Figure 1. Similarly, *De Zeeuw* completely fails to disclose this feature. In particular, the Examiner is directed to *De Zeeuw* Figure 1 which illustrates a frequency control block apparently monitoring the “autonomous grid” of what is apparently the alternating current (AC) grid (as implied by the three phase lines). Thus, claim 1 is not obvious under proposed combination of *Wichert* in view of *De Zeeuw*. Accordingly, the rejection should be withdrawn for at least this reason alone.

b. Claims 2-4, 7-8, and 11-14

Because independent claim 1 is allowable over the cited art of record, dependent claims 2-4, 7-8, and 11-14 (which depend from independent claim 1) are allowable as a matter of law for at least the reason that the dependent claims 2-4, 7-8, and 11-14 contain all features/elements of independent claim 1. Accordingly, the rejection to these claims should be withdrawn.

4. Additional Rejections Under 35 U.S.C. § 103(a)

a. Claims 5, 6, 9, 10, and 15

In the Office Action, at paragraph 9, claims 5 and 10 stand rejected under 35 U.S.C. §103(a) as allegedly unpatentable over *Wichert* in view of *De Zeeuw* and in further view of *Da Ponte* (U.S. Patent 6,175,217), hereinafter *Da Ponte*. At paragraph 10, claim 6 stands rejected under 35 U.S.C. §103(a) as allegedly unpatentable over *Wichert* in view of *De Zeeuw* and in further view of *Jaunich* (U.S. Patent 6,605,880), hereinafter *Jaunich*. At paragraph 11, claim 9 stands rejected under 35 U.S.C. §103(a) as allegedly unpatentable over *Wichert* in view of *De Zeeuw* and in further view of *Suzuki* (JP 2000-073931A), hereinafter *Suzuki*. At paragraph 12, claim 15 stands rejected under 35 U.S.C. §103(a) as allegedly unpatentable over *Wichert* in view of *De Zeeuw* and in further view of *Offringa* (EP 046,530 A1), hereinafter *Offringa*.

The Examiner is respectfully referred above to the argument for allowability of claim 1, which is not repeated for brevity, which demonstrates that *Wichert* and *De Zeeuw* do not disclose, teach, or suggest using the feature of “at least one *intermediate storage device* for storing electrical energy ... wherein the intermediate storage device can be *coupled to the first power generator* and if more energy is consumed in the network than is generated by the first power generator, *initially the electrical intermediate storage device is used for delivering power* whereby intermediate storage devices of an accumulator block type or a battery storage device are used preferably to support the network when the power required by the network can be delivered not at all or only insufficiently from renewable energy sources” as recited in claim 1 (emphasis added).

With respect to independent claim 1, *Da Ponte* discloses at most the energy storage devices 28 and 46, the battery 56, and the battery BAT. However, *Da Ponte* does not disclose that the energy storage devices 28 and 46, the battery 56, or the battery BAT are initially used to support the network when more energy is consumed in the network than is generated by the first power generator (renewable resource), as recited in claim 1. Rather, *Da Ponte* discloses that these devices are used during various operating conditions of the *Da Ponte* engine 70. That is, *Da Ponte* does not disclose, teach, or suggest “at least one intermediate storage device for storing electrical energy is provided, wherein the intermediate storage device can be coupled to the first power generator and if more energy is consumed in the network than is generated by the first power generator, initially the electrical intermediate storage device is used for delivering power whereby intermediate storage devices of an accumulator block type or a battery storage device are used preferably to support the network when the power required by the network can be delivered not at all or only insufficiently from renewable energy sources” as recited in claim 1. Accordingly, the proposed combination of *Wichert* in view of *De Zeeuw* and further in view of *Da Ponte* does not teach at least the above-recited limitations of claim 1. Therefore, a *prima facie* case establishing an obviousness rejection by *Wichert* in view of *De Zeeuw* and further in view of *Da Ponte* cannot be made. Thus, claim 1 would not be obvious under a combination of *Wichert* in view of *De Zeeuw* and further in view of *Da Ponte*.

Also, with respect to independent claim 1, *Jaunich* does not disclose any type of intermediate storage device for storing electrical energy as recited in claim 1. Accordingly, the proposed combination of *Wichert* in view of *De Zeeuw* and further in view of *Jaunich* does not teach at least the above-recited limitations of claim 1. Therefore, a *prima facie* case establishing an obviousness rejection by *Wichert* in view of *De Zeeuw* and further in view of *Jaunich* cannot be made. Thus, claim 1 would not be obvious under a combination of *Wichert* in view of *De Zeeuw* and further in view of *Jaunich*.

Suzuki does not disclose, teach, or suggest in the *Suzuki* Abstract using feature of “at least one *intermediate storage device* for storing electrical energy ... wherein the intermediate storage device can be *coupled to the first power generator* and if more energy is consumed in the network than is generated by the first power generator, initially the electrical intermediate

storage device is used for delivering power whereby intermediate storage devices of an accumulator block type or a battery storage device are used preferably to support the network when the power required by the network can be delivered not at all or only insufficiently from renewable energy sources” as recited in claim 1 (emphasis added). At most, the *Suzuki* Abstract discloses charging and discharging the NaS battery, but not the above-described limitations of claim 1. Accordingly, the proposed combination of *Wichert* in view of *De Zeeuw* and further in view of *Suzuki* does not teach at least the above-recited limitations of claim 1. Therefore, a *prima facie* case establishing an obviousness rejection by *Wichert* in view of *De Zeeuw* and further in view of *Suzuki* cannot be made. Thus, claim 1 would not be obvious under a combination of *Wichert* in view of *De Zeeuw* and further in view of *Suzuki*.

Offringa does not disclose, teach, or suggest in the *Offringa* Abstract using feature of “at least one *intermediate storage device* for storing electrical energy ... wherein the intermediate storage device can be *coupled to the first power generator* and if more energy is consumed in the network than is generated by the first power generator, initially the *electrical intermediate storage device is used for delivering power* whereby intermediate storage devices of an accumulator block type or a battery storage device are used preferably to support the network when the power required by the network can be delivered not at all or only insufficiently from renewable energy sources” as recited in claim 1 (emphasis added). At most, the *Offringa* Abstract discloses variations in a wind turbine’s power output to control a pump station in order to pump water to increased heights, but not the above-recited feature of claim 1 since there is no non-renewable generator, such as the recited second generator and internal combustion engine. Accordingly, the proposed combination of *Wichert* in view of *De Zeeuw* and further in view of *Offringa* does not teach at least the above-recited limitations of claim 1. Therefore, a *prima facie* case establishing an obviousness rejection by *Wichert* in view of *De Zeeuw* and further in view of *Offringa* cannot be made. Thus, claim 1 would not be obvious under a combination of *Wichert* in view of *De Zeeuw* and further in view of *Offringa*.

Summarizing, amended claim 1 would not be obvious under *Wichert* in view of *De Zeeuw* and further in view of *Da Ponte*, *Jaunich*, *Suzuki*, or *Offringa*. Accordingly, because independent claim 1 would be allowable over a combination of *Wichert* in view of *De Zeeuw* and

further in view of *Da Ponte*, *Jaunich*, *Suzuki*, or *Offringa*, dependent claims 5, 6, 9, 10, and 15 (which depend from independent claim 1) are allowable as a matter of law for at least the reason that the dependent claims 5, 6, 9, 10, and 15 contain all features/elements of independent claim 1. Accordingly, the rejection to these claims should be withdrawn.

b. Claim 18

In the Office Action, at paragraph 13, claim 18 stands rejected under 35 U.S.C. §103(a) as allegedly unpatentable over *De Zeeuw* in view of *Wichert*.

The Examiner is respectfully referred above to the argument for allowability of claim 1, which is not repeated for brevity, which demonstrates that neither *Wichert* or *De Zeeuw* discloses, teaches, or suggests using the feature of “at least one *intermediate storage device* for storing electrical energy ... wherein the intermediate storage device can be *coupled to the first power generator* and if more energy is consumed in the network than is generated by the first power generator, initially the electrical intermediate storage device is used for delivering power whereby intermediate storage devices of an accumulator block type or a battery storage device are used preferably to support the network when the power required by the network can be delivered not at all or only insufficiently from renewable energy sources,” as recited in claim 1 (emphasis added). Merely switching the order of combination of the references in a rejection does not remedy the deficiency of the references in this particular case, because neither reference discloses the above-recited features of claim 1. That is, the method and system of *De Zeeuw*, when modified by the system and method of *Wichert*, would still fail to teach, disclose, or suggest the above-recited feature of claim 1. Thus, claim 1 would not be obvious under a combination of *De Zeeuw* in view of *Wichert*.

Accordingly, because independent claim 1 would be allowable over a combination of *De Zeeuw* in view of *Wichert*, dependent claim 18 (which depends from independent claim 1) is allowable as a matter of law for at least the reason that the dependent claim 18 contains all features/elements of independent claim 1. Accordingly, the rejection to this claim should be withdrawn.

5. Obviousness-Type Double Patenting Rejections

The Office Action has rejected claims 1-17 and 19-24 under the judicially created doctrine of obviousness-type double patenting as being obvious over co-pending U.S. Patent Application No. 10/380,786 to Aloys Wobben, hereinafter the '786 Application.

A terminal disclaimer may be used to overcome a provisional rejection based on a non-statutory obviousness-type double patenting. The Applicant will consider filing a terminal disclaimer in the present application if the co-pending '786 Application issues before the present application, and if the present application is still pending at that point. Otherwise, it is respectfully submitted that since the '786 Application has not yet issued, the present application can be passed into allowance and issued without the filing of a terminal disclaimer. A terminal disclaimer may then be filed, if appropriate, in the co-pending '786 Application, based on the issuance of the present application.

Accordingly, it is kindly requested that the provisional obviousness-type double patenting rejection be withdrawn, and that the pending claims be allowed. The Examiner is kindly requested to telephone the undersigned attorney, if the co-pending application has issued prior to the present application, so that the Applicant may file a terminal disclaimer if appropriate to expedite prosecution.

Further, it is respectfully submitted that the obviousness-type double patenting rejection is moot in view of the recitations in at least independent claim 1. In particular, claim 1 of the present application is not obvious over the co-pending '786 Application for at least the reason that the co-pending '786 Application does not disclose, teach, or suggest at least the feature of "a device connected to the bus bar for detecting the power required in the network is provided." as recited in claim 1. The co-pending '786 Application completely fails to disclose this feature. It is not obvious to monitor the DC bus coupled to an isolated electrical network to determine network power requirements. Accordingly for the various reasons set forth above, it is kindly requested that the obviousness-type double patenting rejection be withdrawn.

6. Conclusion

In light of the above amendments and remarks, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that all pending claims 1-19, 21-23, and 25-26 are allowable. Applicant, therefore, respectfully requests that the Examiner reconsider this application and timely allow all pending claims. The Examiner is encouraged to contact Mr. Armentrout by telephone to discuss the above and any other distinctions between the claims and the applied references, if desired. If the Examiner notes any informalities in the claims, he is further encouraged to contact Mr. Armentrout by telephone to expediently correct such informalities.

Respectfully submitted,

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